



Journal of the Senate

State of Indiana

115th General Assembly

Second Regular Session

Twenty-seventh Meeting Day

Thursday Afternoon

March 6, 2008

The Senate convened at 2:01 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Pastor Steven Viars, Faith Baptist Church, Lafayette.

The Pledge of Allegiance to the Flag was led by Senator Brandt E. Hershman.

The Chair ordered the roll of the Senate to be called. Those present were:

| | |
|---------------------------------|--------------------------------|
| Alting | Long |
| Arnold | Lubbers |
| Becker | Meeks <input type="checkbox"/> |
| Boots | Merritt |
| Bray | Miller |
| Breaux | Mishler |
| Brodén | Mrvan |
| Charbonneau | Nugent |
| Deig | Paul |
| Delph | Riegsecker |
| Dillon | Rogers |
| Drozda | Simpson |
| Errington | Sipes |
| Ford | Skinner |
| Gard | Smith |
| Hershman | Steele |
| Howard <input type="checkbox"/> | Tallian |
| Hume | Walker |
| Jackman | Waltz |
| Kenley | Waterman |
| Kruse | Weatherwax |
| Lanane | Wyss <input type="checkbox"/> |
| Landske | Young, M. |
| Lawson | Young, R. |
| Lewis | Zakas |

Roll Call 310: present 46; excused 3. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Resolution 38

Senate Resolution 38, introduced by Senator Delph:

A SENATE RESOLUTION congratulating the Carmel High School Girl's Basketball Team on winning the 2008 Class 4A State Championship.

Whereas, On March 1, 2008, the number five-ranked Carmel

High School Girl's Basketball Team went up against the number two-ranked South Bend Washington High School Girl's Basketball Team to compete for the Class 4A State Championship at Conseco Fieldhouse;

Whereas, With a final score of 84-72, the Carmel High School Girl's Basketball Team won their first championship. In a team effort, Chrissy Steffen scored a record-tying 31 points, Danielle Havel scored 16, Lauren McRoberts and Ashlee Spearman each scored 14, and Torrie Thornton scored 9;

Whereas, This victory marked the 100th state title for Carmel High School: 89 in IHSAA sports, eight pre-IHSAA soccer crowns, and three cheerleading championships; and

Whereas, Hoosiers take great pride in basketball and appreciate the hours of practice that go into making a championship team: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate congratulates the Carmel High School Girl's Basketball Team on winning the 2008 Class 4A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Superintendent of Carmel Clay Schools, Dr. Barbara Underwood; Carmel High School Principal, John J. Williams; Coach, Scott Bowen; and each member of the team.

The resolution was read in full and adopted by voice vote.

Senate Resolution 39

Senate Resolution 39, introduced by Senator Delph:

A SENATE RESOLUTION congratulating the University High School Girl's Basketball Team on competing in the Class A Championship.

Whereas, What was once only a dream in the minds of players became a reality on March 1, 2008 when the unranked University High School Girl's Basketball Team went up against number nine-ranked Fort Wayne Canterbury Girl's Basketball Team for the Class A Championship at Conseco Fieldhouse;

Whereas, Although the Trailblazers were not victorious, competing in the Class A finals was quite an accomplishment since 2008 marks only the third year that University High School has been eligible to compete in the IHSAA state tournament;

March 6, 2008

Senate 1109

Whereas, With such a great start, the University High School Girl's Basketball Team surely has a great future; and

Whereas, Hoosiers take great pride in basketball and appreciate the dedication and determination displayed by each member of the University High School Girl's Basketball Team: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate congratulates the University High School Girl's Basketball Team on competing in the Class A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to University High School Head of School, Chuck Webster; Athletic Director, Stan Collesano; Coach, Bill Thornburgh; and each member of the team.

The resolution was read in full and adopted by voice vote.

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 5, 2008, I signed the following enrolled acts into law: SEA 281 and 190.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 5, 2008, signed Senate Enrolled Acts: 27, 111, and 139.

DAVID C. LONG
President Pro Tempore

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 10 and that a conference committee be appointed to confer with a like committee of the House.

STEELE

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has concurred with the Senate amendments to Engrossed House Bills 1185.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 56 and the same is herewith returned to the Senate.

CLINTON MCKAY
Principal Clerk of the House

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 10:

Conferees: Steele, Chair and Arnold
Advisors: Broden and Bray

LONG
Date: 3/5/2008
Time: 3:18 p.m.

Report adopted.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 345 and that a conference committee be appointed to confer with a like committee of the House.

WEATHERWAX

Motion prevailed.

ACTION ON GUBERNATORIAL VETOES VETO MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto Senate Enrolled Act 490, enacted during the regular session of the 115th General Assembly and related to the registration of interior designers.

Government has a legitimate role to play in the regulation of certain business occupations and professions. To protect public health and safety, for example, it makes sense for the state to require individuals seeking to practice certain occupations to be certified or licensed, in order to ensure that they meet minimum qualifications or skill levels.

However, government must be careful to exercise such powers in a restrained and limited way, in order to avoid limiting competition in occupations where no significant public health or safety concerns are involved. Licensing, certification, and registration standards necessarily restrict entry to and participation in the occupation or profession being regulated, so the burden of proof must fall on those who seek to create or extend such barriers to entry.

In the case of Senate Enrolled Act 490, I find that this burden of proof has not been met. I can find no compelling public interest that is served by the establishment of new registration requirements for interior designers as contained in SEA 490, nor in the bill's effective "criminalization" of violations of such registration requirements. Indeed, it seems to me that the principal effect of SEA 490 will be to restrain competition and limit new entrants into the occupation by requiring that they meet new educational and experience qualifications previously not necessary to practice their trade.

Coincidentally, renowned national columnist George Will recently devoted an entire column to a similar effort to regulate the interior design profession in Nevada and Utah, which he rightly characterized as "rent seeking," or using government authority to obtain private advantage. He concluded his column as follows:

But government licenses professions to protect the public and ensure quality. It licenses engineers and doctors because if their testable skills are deficient bridges collapse and patients die. The skills of interior designers are neither similarly measurable nor comparably disastrous when deficient.

SEA 490 is an example of government intrusion into the private marketplace, unnecessarily expanding the power and reach of a professional regulatory board (of which we have far too many already), and protecting the "ins" at the expense of would-be competitors. The marketplace already serves as an effective check on poor performance; designers doing inadequate work are more likely to be penalized by negative customer reaction than by a government agency trying to enforce arbitrary and subjective qualification standards.

Interior designers are hardly the only profession seeking protection from state government. Indiana already regulates some 74 professions, many of them dubiously under the criteria articulated above. I am writing at such length to make plain to the General Assembly my concerns about this trend and my deep skepticism about the merits and value of many of these efforts. Indeed, I would welcome legislative re-examination of existing licensing schemes far more than proposals for more such regulation such as Senate Enrolled Act 490.

MITCHELL E. DANIELS, JR.
Governor

The Chair handed down Senate Enrolled Act 490, passed by the One hundred and fifteenth General Assembly, First Regular Session, entitled:

AN ACT to amend the Indiana Code concerning professions and occupations.

The question was, Shall Senate Enrolled Act 490 pass, the Governor's veto notwithstanding?

Roll Call 311: yeas 15, nays 31. The Governor's veto was sustained.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 22.

LUBBERS

Roll Call 312: yeas 38, nays 8. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 51.

WEATHERWAX

Roll Call 313: yeas 46, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 176.

MERRITT

Roll Call 314: yeas 45, nays 1. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate rescind its action whereby it adopted the Motion to Dissent on Engrossed Senate Bill 10 and that said Motion be withdrawn.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, March 10, 2008.

LONG

Motion prevailed.

The Senate adjourned at 2:34 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate